

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:12-CV-48-FL

ANTHONY LEE MCNAIR,

Plaintiff,

v.

CITY OF ROCKY MOUNT POLICE
DEPARTMENT, CHIEF JOHN
MANNING, CPL H.A. WOOTEN, and P.C.
FREDERICK

Defendants.

ORDER

This matter is before the court on plaintiff's motion for leave to proceed *in forma pauperis* (DE # 1), filed February 8, 2012, and the memorandum and recommendation ("M&R") of Magistrate Judge William A. Webb (DE # 13), filed on May 2, 2012, pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), recommending that plaintiff's proposed complaint and all subsequent filings be stricken from the record and that this case be closed due to plaintiff's non-compliance with a pre-filing injunction and because the proposed complaint is frivolous. Plaintiff filed objections to the M&R on May 7, 2012, and has lodged several subsequent motions in the docket at entry numbers 17, 18, 21, and 22.

Upon de novo review of the M&R, the complaint, and plaintiff's objections and other filings, the court ADOPTS the M&R as its own and OVERRULES the objections to the M&R, finding that the M&R sufficiently explains the basis for dismissal of this action and striking subsequent filings from the record in this case. For the reasons stated in the M&R, the motion for leave to proceed *in*

forma pauperis (DE #1) is DENIED and plaintiff's complaint and filings at docket entry numbers 17, 18, 21, and 22, are STRICKEN from the record. The clerk is directed to close this case.

SO ORDERED, this the 15th day of November, 2012.

A handwritten signature in black ink, reading "Louise W. Flanagan". The signature is written in a cursive, flowing style. The first letter "L" is large and loops around. The "W" and "F" are also prominent. The signature is positioned above a horizontal line.

LOUISE W. FLANAGAN
United States District Judge